IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5884 OF 2004

The Sangli Bank Ltd & Ors. .. Petitioners (Orig.Defts)

v/s.

Manickpur Urban Co-operative Credit Society Ltd .. Respondents (Orig. Plffs)

Mr. Y.V. Diwekar, i/b. M/s. Diwekar and Co. for the petitioner
Mrs. Neeta Karnik, for the respondents.

CORAM: D.B. BHOSALE, J.

DATE : 3RD DECEMBER, 2004.

P.C.:-

1. Heard the learned counsel for the parties. By this Writ Petition the petitioner has challenged the order dated 19th June, 2003 passed by the Trial Court below Exhibit-56 in Special Civil Suit no. 114 of 1998 by which the said application- Exhibit 56, filed by respondent-plaintiff seeking directions to the defendant to produce certain documents, has been allowed. I perused the order and the other material placed before me. Mr. Diwekar,learned Counsel for the petitioner submits that insofar as original

pay-order at serial no.3 in the list of documents is concerned, that is not with the petitioners and, therefore, they are unable to produce the same as per the impugned order. If the said document is not with the petitioner, it is open for the petitioners to say so on Affidavit and file it before the Trial Court. Insofar as, fixed deposit Account Register at serial no.5 is concerned Mr. Diwekar states that it is a very big ledger, containing several entries, maintained by the Petitioner-bank and, therefore, except the relevant entries, the production of whole register would not be necessary in the instant proceedings. He further submits that the petitioner may be allowed to produce the original Fixed Deposit Account register in the court and with the permission of the court, place the xerox copies of the relevant pages of the said register on record.

2. Mrs. Karnik, learned Counsel for the respondent has no objection for granting such liberty to the petitioners. After having heard the learned counsel for the parties and considered the fact situation of the present case, I am satisfied that the following order would meets the ends of justice;

(i). The petitioner to produce xerox copies of the documents at serial no.1, 2, 6 and 7 from the list of documents within 15 days from today.

(ii). Liberty to the petitioner to file Affidavit in respect of original pay-order at serial no.3 in the said list.

(iii). The petitioner to produce original Fixed Deposit Account register at serial no.5 in the Court. The Trial Court with the assistance of the learned counsel for the parties identify the relevant pages therefrom and direct the petitioner to produce on record xerox copies of those pages of the said register duly certified as per the Bankers Book Evidence Act within 15 days from today.

(v). The issue of jurisdiction be decided expeditiously. The petition is disposed of.

SD/-

(D.B. BHOSALE, J)